

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

RICHARD ROSARIO,

Plaintiff,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

18-cv-4023 (LGS)

**DECLARATION OF RACHEL G. SKAISTIS
IN SUPPORT OF PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES**

RACHEL G. SKAISTIS, an attorney admitted to practice in the State of New York and the Southern District of New York, declares under penalty of perjury as follows:

1. I am a partner of the law firm Cravath, Swaine & Moore LLP (“CSM”). I write in support of the attorneys’ fee application submitted in the above-captioned matter by plaintiff’s counsel Neufeld Scheck & Brustin, LLP (“NSB”), a firm whose principals I have worked with on two prior occasions. Based upon my experience as a lawyer practicing in New York City, my observations and interactions with NSB’s lawyers and my knowledge of prevailing rates for attorneys of their high caliber in New York City, I support NSB’s application under 42 U.S.C. Section 1988 in all respects.

2. I provide a brief description of my professional background to assist the Court in evaluating my declaration. After graduating cum laude from Cornell Law School in 1997, I joined CSM as a litigation associate. In 1999, I left CSM to clerk for the Hon. Shira A. Scheindlin of the United States District Court for the Southern District of New York. Following my clerkship, I rejoined CSM, where I was elected a partner in 2004.

3. Over the past two-and-a-half decades, I have handled a wide variety of general litigation, arbitration and appellate matters, including employment disputes, securities, bankruptcy and commercial/contract, as well as complex federal litigation. I have represented clients in matters involving the Foreign Corrupt Practices Act, the False Claims Act, insider trading, accounting and securities fraud and governance issues, and in many of these matters there were millions of dollars at issue. In 2021, I was included in Crain's New York Business's list of "Notable Women in Law."

4. CSM litigates on behalf of clients in a wide range of industries and practice areas. We are generally compensated through hourly fee arrangements. Accordingly, based on my experience practicing law in New York City, I am generally familiar with the prevailing hourly rates charged by New York City law firms.

5. I am also personally familiar with the work of NSB and the firm's expertise in wrongful conviction litigation. From 2018 to 2019, I worked with NSB on a wrongful conviction case also against New York City, specifically with Nick Brustin, Emma Freudenberger and Amelia Green. CSM was initially retained to prosecute the case alone as a Section 8-b claim under the New York Court of Claims Act. I subsequently consulted with NSB to determine whether there were also actionable civil rights claims under 42 U.S.C. § 1983. When we determined that there were in fact such claims, based on my observations of their knowledge and skill during that process and their reputation as highly-skilled litigators in this area, I recommended to our client that he retain NSB as co-counsel to work with CSM. After approximately 15 months of work, which included extensive document discovery, legal analysis, and a deposition of our client under General Municipal Law Section 50-h, we were able to settle that case with the Comptroller before filing the complaint. We also reached a settlement in the corresponding Section 8-b action in the New York Court of Claims at the

expert discovery stage.

6. I also had occasion to observe NSB's work when I represented a third-party witness during a separate § 1983 wrongful conviction case in 2010. Based on my experience in these matters, I believe that issues in § 1983 wrongful conviction litigation are just as complex as the federal litigation I more typically work on, and expertise in this area is critically important to a successful outcome.

7. My understanding is that the hourly rates charged by the counsel and paralegals involved in this litigation under prevailing rates in the Southern District of New York market are as follows:

Name of Counsel	Role	Hourly Rate
Nick Brustin	Partner	900
Anna Benvenuti Hoffmann	Partner	800
Emma Freudenberger	Partner	800
Amelia Green	Partner	500
Len Kamdang	Senior Associate	450
Richard Sawyer	Senior Associate	450
Sona Shah	Senior Associate	450
Bettina Roberts	Senior Associate	425
Christina Matthias	Senior Associate	425
Katie McCarthy	Senior Associate	425
Avinash Samarth	Associate	400
Katie Haas	Associate	400
Kate Fetrow	Associate	375
Gerardo Romo	Associate	350
Rhianna Rey	Associate	325
	Paralegals/ Law Clerks	200

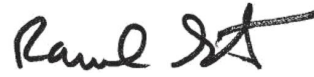
8. In my professional judgment, these hourly rates are very reasonable in the Southern District of New York market for a complex case like the Rosario litigation, particularly given the experience and skill of NSB's attorneys.

9. Indeed, in my experience, the partners' rates and rates of NSB associates are lower, and in some cases substantially lower, than the prevailing rates at the major Southern District of New York law firms for lawyers of comparable skill and experience in complex federal litigation.

10. In my professional judgment, based on their skill, reputation, experience, and outstanding result in this case, NSB attorneys merit compensation here at the top of the relevant market range.

11. I swear under penalty of perjury that the foregoing is true and correct.

Dated: October 3, 2022
New York, New York



Rachel G. Skaistis, Esq.

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